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COMMISSION ON HUMAN RIGHTS

Fifty-seventh session

SUMMARY RECORD OF THE 65th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 19 April, at 3 p.m.

Chairperson: Mr. DESPOUY (Argentina)

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The meeting was called to order at 3.15 p.m.

RIGHTS OF THE CHILD (agenda item 13) (continued)

Statement by the United Nations High Commissioner for Human Rights pursuant to Commission resolution 2000/60 on the abduction of children from northern Uganda

1. Mrs. ROBINSON (United Nations High Commissioner for Human Rights) said that the Mission of the Office of the High Commissioner for Human Rights (OHCHR) had been undertaken in response to Commission resolution 2000/60, which had asked the Office to make an assessment of the situation on the ground in the affected areas. The Mission had visited Uganda, the Sudan and Nairobi, Kenya, from 17 March to 6 April 2001. Its work had been undertaken in close consultation with and with the participation of the United Nations Children's Fund (UNICEF) and the Office of the Special Representative of the Secretary-General for children and armed conflict. The Mission's report was being prepared and would be issued as a Commission document. In the meantime, she wished to submit a preliminary presentation of the Mission and its findings.

2. The Abducted Children Registration and Information System, a database developed and maintained jointly by UNICEF and the Government of Uganda, estimated that about one third of the 26,365 cases of abduction recorded in the database involved children under the age of 18 (8,788 cases). Roughly 20 per cent of the recorded abductees were females.

3. In 2001 alone, if there was no change, hundreds of children, both boys and girls, would probably be abducted by the Lord's Resistance Army (LRA). Many of them would ultimately perish in the bush, either as a result of the harsh living conditions or at the hands of other captives. Current estimates put the strength of the LRA at around 200 to 300 operating within Uganda and about 800 operating in the southern Sudan. The vast majority of LRA fighters and camp followers were either children or had been children at the time of their abduction.

4. The Mission had heard that children abducted by the LRA were forced to carry out attacks in their home villages and to kill any child who attempted to escape. Many of those who had escaped had reported being terrorized, tied up and forced to carry heavy loads. Many had also reported beatings during the march through the bush. In some cases, children had been beaten to death for attempting to escape. Many of the escaped children whom the Mission had met had been injured. There were reports of long-term and serious disabilities as a result of the injuries incurred.

5. Most women and girls abducted and retained by the LRA were taken to serve as "wives" for the LRA commanders. Those not complying with the sexual demands made on them were beaten or killed. It was reported that many babies had been born in the LRA camps; and, for young women who would otherwise try to escape and return to their families, the social stigma of having become pregnant under such circumstances reportedly added to their reluctance and fear to return home. A large part of the estimated 6,000 missing children were presumed dead.

6. Despite the system of terror that reigned within the camps and the deadly punishment for showing disloyalty, children did escape from the LRA and make their way to freedom. A total

of 123 such persons, including both adults and children, who had escaped in the southern Sudan during 2000-2001 had become part of a programme of repatriation to Uganda. Of those, 19 were small children or babies who had been born in the camps and escaped with their mothers. Most of the adolescents and adults had spent between two and four years in the camps before escaping.

7. Member States, international organizations, humanitarian bodies and other parties had made important efforts to improve the situation of abducted children and assist the victims. Bilateral agreements had been concluded between the Governments of the Sudan and Uganda aimed at improving relations and, in particular, returning abducted children to their homes. Chief among them were the Agreement between the two Governments signed on 8 December 1999 in Nairobi and the Record of Commitments Made, signed on 19 November 2000 in Nairobi. There had also been a Joint Communiqué on Immediate Action on Abducted Children, signed on 17 September 2000 in Winnipeg, Canada, which had led to further meetings between the two countries, as well as with representatives of the Governments of Canada, Egypt and the Libyan Arab Jamahiriya.

8. The Mission had been able to confirm that substantial progress had been achieved in the implementation of the two Nairobi Agreements. However, urgent steps were needed to implement them in full. That included the establishment of the Observation Team provided for in the Record of Commitments Made, the purpose of which would be to observe whether there was any support, recruitment or other military activities in Uganda with respect to the Sudanese People's Liberation Army (SPLA). That measure was of particular importance, since the Mission had also found that a general atmosphere of mistrust currently existed on both sides, focusing on unfulfilled commitments.

9. In Uganda, significant steps had been taken towards the prevention of further abductions and the reintegration of child abductees who had escaped from the LRA. Throughout the major population centres in the affected areas, local organizations had been formed to mobilize support and assistance for affected families and returning children. Local coordinating forums, such as the Joint Peace Forum in Kitgum, brought together the organizations concerned in order to unify their message and efforts and to decide on a division of labour. World Vision, Gulu Support for Children Organization (GUSCO) and Kitgum Concerned Women Association (KICWA) were examples of the many non-governmental organizations (NGOs) working with the returned child abductees and providing them with psychological and social support.

10. The Ugandan Amnesty Act, adopted on 21 January 2001, and the Commission created thereunder represented an important initiative to facilitate the return of abducted children. Amnesty had been provided for anyone abandoning armed rebellion and surrendering his or her arms. It should be noted that the Amnesty Act and the reconciliation process had the strong and determined support of all the organizations in the north with which the Mission had held meetings and, reportedly, among the general public as well.

11. A Child Protection Unit had been established in the headquarters of the 4th Ugandan Army. The Unit was responsible for the care of child abductees secured as a result of military operations. Its work had been enhanced as a result of the child-rights and humanitarian training carried out with army personnel deployed in northern Uganda.

12. The Government of the Sudan had created a reception centre in Juba to receive and process LRA escapees. The return of the escapees via Khartoum was being coordinated through the Humanitarian Aid Commission set up by the Government of the Sudan and assisted, in particular, by UNICEF and the International Organization for Migration (IOM). Transit centres had been established at Suba, outside Khartoum, in December 2000 for women and children and in March 2001 for adult men. A cut-off of support for the LRA in the Sudan had also been noted. However, more efforts were needed to disarm and disband the LRA forces inside the Sudan.

13. The Mission had made a number of important interim conclusions. In the first place, the LRA should be urged to stop its abduction of children and meet mediators as well as representatives of the Acholi community - the dominant ethnic group in the affected areas - who were trying to achieve a peaceful resolution to the conflict in northern Uganda.

14. National and international efforts must be focused on expediting the return and reintegration of the children as a priority for all the parties involved. Further steps were necessary in the Sudan to assist the escape of children and facilitate their access to the reception centre in Juba.

15. Full implementation of the relevant agreements between Uganda and the Sudan must be ensured, for they were highly instrumental to the resolution of problems relating to the abduction of children and wider human rights problems in northern Uganda. Such action should include setting up the Observation Team, cutting off all support to the LRA in the Sudan, increasing efforts to disarm and disband the LRA and facilitating contacts between the LRA and the Acholi community.

16. Additional efforts must be made to make the Amnesty Act fully functional, including the opening of further regional offices of the Amnesty Commission. There was an urgent need for a media campaign to demonstrate clear support for the amnesty and reconciliation process.

17. There should be more active involvement by international organizations in systematically monitoring the conditions under which LRA escapees were handled and debriefed by the military in both the southern Sudan and Uganda. Wider access by those organizations to the affected areas should be facilitated.

18. More international support was needed for efforts to reintegrate former LRA abductees into society, particularly through education and vocational training. The needs of the victims should be addressed immediately through small projects targeting specific groups of returnees.

19. As most LRA escapees within northern Uganda were children who had been abducted for relatively short periods, efforts should be made to expedite their return to their families without undue delay.

20. The Government of the Sudan should be encouraged to develop a strategy aimed at the identification and eventual return of all former child abductees who had escaped and might be living in the southern Sudan.

21. The Mission Report would provide more details of the situation of children abducted in northern Uganda. The preliminary findings, however, indicated the magnitude of the problem. She knew that delegations were considering the possibility of maintaining the issue on the Commission's agenda and believed that her preliminary assessments would assist the Commission in its deliberations.

22. Mr. GAKWANDI (Observer for Uganda) commended the balanced account given by the Mission of the evil unleashed by the LRA but regretted that the full report was not yet available. The High Commissioner's visit could make an important contribution to finding a permanent solution to the problem.

23. The LRA claimed to be a political movement but, being unable to attract followers, it had turned to abduction, brutalizing the very people it purported to help. The Ugandan army had played a vital role in restricting the damage done by the LRA: when children escaped, they were welcomed by the army, which had set up Child Protection Units, with assistance from Save The Children Denmark.

24. His Government was determined to use all measures to resolve the situation, including amnesty for all who chose to surrender and diplomatic measures to erode LRA support. The bilateral agreements between Uganda and the Sudan were valuable in that regard; their principal element being that the Governments should work with donor countries on disarming and disbanding the LRA and relocating its victims. His Government had also agreed to the proposed observer mission by the Libyan Arab Jamahiriya and Egypt to monitor the common border between Uganda and the Sudan in order to allay suspicions that Uganda was supporting the LRA in any way. His Government was ready to participate as soon as the relocation process got under way. A third approach to dealing with the LRA was to enlist the help of the local community.

25. His delegation particularly appreciated the tone of the report by the Mission as compared with that produced by the Special Representative of the Secretary-General for children and armed conflict (E/CN.4/2001/76), who had made serious but unsubstantiated allegations about the role of the Ugandan Government, suggesting that it had no desire to end the war because it wished to destroy the local community. That was an extremely serious charge which was all the more surprising in that the Special Representative had never visited northern Uganda. Most of the recommendations of the Mission report were in line with the policy of the Ugandan Government.

26. Lastly, he wished to express his Government's gratitude to OHCHR, NGOs and the aid agencies, especially UNICEF, which had played a leading role in alleviating the situation.

27. Mr. SIDDIG (Observer for the Sudan) said that his Government condemned the reprehensible phenomenon of abduction, and had done its utmost to put a stop to it. The bilateral agreements between the Sudan and Uganda would be useful in that regard, especially the first, in which it had been agreed that the rebels must be contacted on the joint border. That aspect of the agreement had been implemented by his Government, as confirmed by OHCHR.

28. The abduction of children had started after the SPLA had taken control of the border area. The SPLA had abducted over 77,000 children. The region was so large that not all of it

was under Government control. The continuing conflict also exacerbated the situation. The proposal that Egyptian and Libyan monitors should be deployed on the border was thus a welcome one. His Government was also fully prepared to cooperate with United Nations monitoring bodies. Lastly, he expressed his appreciation of the work of UNICEF and other organizations in aiding his Government in its policy of returning children to their parents.

PROMOTION AND PROTECTION OF HUMAN RIGHTS:

(a) STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS

(b) HUMAN RIGHTS DEFENDERS

(c) INFORMATION AND EDUCATION

(d) SCIENCE AND ENVIRONMENT (agenda item 17) (continued) (E/CN.4/2001/87, 88 and Corr.1, 89 and Corr.1, 90-92, 93 and Add.1, 94-96, 117, 120 and 125; E/CN.4/2001/NGO/35, 45, 55, 97, 160, 161, 173 and 179; E/2000/3 and Corr.1; A/55/360)

29. Mr. AZIZ (International Islamic Federation of Student Organizations) said that the thousands of men and women doing God's work at the risk of their lives played a crucial role in creating general awareness in all societies of rights and freedoms. His organization hoped that the scope of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms would not be limited to human rights groups but would extend to all individuals who spoke out against human rights violations.

30. Human rights defenders in Indian-occupied Jammu and Kashmir were subjected to daily assaults, threats and summary executions, the perpetrators of which enjoyed impunity within the Indian legal framework. International human rights defenders, meanwhile, had had difficulty in obtaining visas to visit India for investigation purposes. The Special Rapporteurs on torture and other cruel, inhuman or degrading treatment or punishment and on extrajudicial, summary or arbitrary executions had also been refused permission to visit India, despite their repeated requests.

31. His organization called on the Commission to appoint a special rapporteur on the human rights situation in Jammu and Kashmir in order to make human rights violators accountable for their barbaric acts.

32. Mr. SOE (War Resisters International) said that people in Myanmar were arrested and jailed simply for exercising their right to promote democracy and human rights. Almost all were tortured and held in unimaginably harsh conditions. To exemplify the situation, he gave the histories of two militants, Thet Win Aung, who in January 1999, had been sentenced to 59 years' imprisonment for leading student protests, and Moe Hein Aung, whose sentence to 38 years' imprisonment for leading a student demonstration in 1998 had recently been extended to 59 years also.

33. Ms. SMITH (International Service for Human Rights) said that the first report by the Special Representative of the Secretary-General on human rights defenders made dispiriting reading. Human rights defenders in numerous countries faced kidnapping, forced disappearance, assassination, arbitrary detention and torture, as well as more insidious forms of repression such as death threats, restrictive administrative procedures and the prohibition of all external financial support. In Colombia, Mexico, Belarus, Russia, Algeria, Tunisia, Egypt, the Democratic Republic of the Congo and most of the Asian countries, Governments did their utmost to silence defenders. It seemed that States needed reminding yet again that they had international obligations regarding human rights. The number of seminars run by her organization on the protection of human rights defenders was to be doubled. As long as States continued their repression, it would continue and broaden its activities.

34. Ms. ROBERT (Médecins du Monde) said that civilian populations were increasingly being caught up in armed conflicts, whether in Rwanda, Bosnia, Kosovo, Chechnya or Guinea. Although States had the primary responsibility to ensure their protection, it was vital that international measures be strengthened also. The United Nations should establish a humanitarian commission charged with gathering comprehensive and reliable data on vulnerable populations so that their needs might be taken more fully into account in political decision-making at all levels, including within the Security Council.

35. Mr. NINDORERA (International Human Rights Law Group) said that, in Sierra Leone, Burundi and Cambodia, measures were being taken to address impunity for human rights violations, which included the establishment of criminal courts and "truth and reconciliation" commissions. In the Democratic Republic of the Congo, violations continued to be committed with total impunity by the warring factions, yet the ceasefire agreement (the Lusaka Protocol) was silent on the issue. Drawing the attention of the Commission to the fragility of any peace which depended on the enforced silence of the victims, he urged it to adopt a resolution on impunity in post-conflict situations and to appoint an independent expert on the question.

36. Minimum conditions of peace and security must be ensured before "transitional justice" mechanisms were established in countries experiencing extreme violence. The latter must not, however, become a substitute for national courts. It was essential that there be local ownership of efforts to address impunity, and that any amnesties for crimes must be accorded pursuant to international law.

37. Mr. SENG (Rural Reconstruction Nepal) drew attention to a number of recent cases of violations of the rights of human rights defenders in Malaysia; such as arbitrary detention, prosecutions, death threats etc. Leaders of the indigenous peoples of Malaysia were also being persecuted in connection with their efforts to prevent their land from being seized for development projects. A number of indigenous villagers who had protested against logging encroachment were on trial for murder and risked the death penalty. His organization was particularly concerned about the disappearance of Bruno Manser, a Swiss human rights defender last seen in Sarawak. In addition, human rights defenders protesting at racial discrimination in respect of access to housing, education and employment were accused of "challenging Malay special privileges" and "creating racial tension". Malaysia was not even a party to certain core human rights instruments and its Government certainly did not practise what its delegation preached in the Commission.

38. Mr. CALZON (Liberal International) drew attention to the critical plight of human rights defenders in Cuba. They were often prevented from travelling abroad or dismissed from their jobs, their children expelled from school. According to Amnesty International, the Cuban Government had denied medicine to certain political prisoners. Although a plebiscite was allowed under the Cuban Constitution, police were threatening Osvaldo Paya (leader of Cuba's Christian Liberation Movement) and other signatories of a document that called for a referendum so that the Cubans might decide their own destiny. Meanwhile, the President asserted that dissenting Cubans were traitors and that Governments who dared speak of human rights violations in Cuba were "boot lickers" of the United States. He should follow the example of the President of Mexico and invite international organizations and NGOs to visit Cuba.

39. Mr. GUPTA (Afro-Asian People's Solidarity Organization) said that education was a fundamental tool for furthering peace and human rights, as well as a key instrument for change. Human rights education should be provided at all levels, not least to parliamentarians, policy-makers, administrators, the judiciary and security and police forces. The availability of qualified personnel in every field of peace and security must be increased. In countries such as Pakistan and Afghanistan, children were taught that their creed was the only true creed, which must be defended with their lives. Such indoctrination had resulted in the Taliban. All States had the responsibility of monitoring their education systems to eliminate discrimination and religious intolerance from school curricula and teaching materials.

40. Mr. GRAVES (Interfaith International) said that his organization sought to promote a culture of peace by expressing its solidarity with the victims of human rights violations. Human rights NGOs did not seek to challenge the integrity of States, but rather to cause oppressive Governments to listen to reason. In so doing, they should avoid being used as political tools. NGOs had an obligation to facilitate dialogue between the oppressors and the oppressed; they must continue to support victims, even if the latter were branded as "terrorists".

41. Ms. SABIC (Women's International League for Peace and Freedom) said that impunity for violations against women in armed conflict was supported by existing structures which communicated that such violence was acceptable and hampered the reporting and prosecution of such crimes. Accordingly: national laws and procedures must be revised to eliminate gender bias; sexual violence in conflict areas must be documented; and human rights obligations incorporated into peace agreements. Peace-keeping forces and international police often failed to prioritize the investigation of rape and other crimes of sexual violence, thus perpetuating impunity for such crimes in areas under their control. Thus, the Commission should break the wall of silence surrounding such violations. In particular, it should appoint an independent expert on impunity to document cases of impunity, with a particular focus on gender violence.

42. Ms. BELLAMY (International Confederation of Free Trade Unions) offered her organization's full cooperation to the Special Representative of the Secretary-General on human rights defenders. The standard-setting efforts of the international community to protect human rights defenders were not being translated into firm commitments at the national level. Every year, hundreds of trade unionists throughout the world were murdered, and thousands of workers were dismissed for attempting to organize trade unions. Her organization promoted universal respect for trade union rights and defended trade unionists whose human rights were violated. It also campaigned for quality education for all children.

43. In Haiti, members of a teachers' trade union had for several years been urging the Government to strengthen the substandard education system as a matter of priority; for similar activities, the leader of the association of Ethiopian teachers was currently serving a prison sentence. In China - which had the lowest expenditure on education in Asia - it was a matter of concern that the provision of nine years' of free education for children had been abolished in the early 1990s.

44. Mr. OWONA (International Young Catholic Students) said he welcomed the adoption of draft resolution E/CN.4/2001/L.9, whereby the Commission encouraged Governments to include youth delegates in their official delegations to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and expressed the hope that the young delegates would be permitted to speak. Establishment of a culture of peace and respect for human rights could best be ensured by implementing the recommendations contained in the various reports of the Secretary-General and by promoting cooperation in respect of human rights education. That could be achieved by encouraging the United Nations Educational, Scientific and Cultural Organization (UNESCO) and other specialized agencies to integrate human rights education into their cooperation programmes with Member States and by urging States to accord as much importance to human rights education as they did to other subjects and to include it in school curricula from the earliest years. Where possible, the private sector, religious groups, communities and even families should be encouraged to participate in the financing of such education.

45. Mr. ACHOUR (Organisation Tunisienne de l'education et de la famille) said that his organization was working to promote a human rights culture in Tunisia and, to that end, it sought to reconcile social and economic rights with civil and political ones. He welcomed the emphasis placed by the special representative of the Secretary-General in her report (E/CN.4/2001/94, para. 24) on the importance of emphasizing dialogue in efforts to promote respect for human rights. That had not been understood by certain groups which advocated radicalization and overstatement instead of appreciating the real progress made by societies in transition to a democracy. His country was proud of what had been achieved but realized that more must be done to consolidate democracy and human rights.

46. Ms. LAMBRINOPOULOU (Marangopoulos Foundation for Human Rights) drew attention to the fact that over 1,000 political prisoners in Turkey were on hunger strike to protest their transfer to the "white cells" of the new Turkish F-type prisons; 32 had already died. Confinement of such prisoners in total isolation was indicative of an intent to exterminate them. According to the European Prison Rules, punishment by disciplinary confinement was permissible only if the medical officer, after examination, certified daily in writing that the prisoner was fit to sustain it (rule 38).

47. The reports of attacks on human rights organizations in various cities provided further evidence of a plan to suppress the struggle for democracy in that country.

48. Such practices were in contravention of the international instruments ratified by Turkey, including the European Convention on Human Rights, and were a flagrant violation of the Declaration contained in General Assembly resolution 53/144, which had been adopted by

consensus, in other words with the consent of the Turkish Government. She therefore urged the Commission to use all means offered by international law to put an end to the extermination of human rights defenders in Turkey.

49. Mr. COLE (Nigeria) said that his Government remained committed to the promotion and protection of human rights and was endeavouring to secure those rights for all Nigerians. It had started to review the Constitution in order to align it with the various international human rights instruments and to respond to the dynamics of Nigeria's socio-economic development.

50. His delegation in the main endorsed the report of the Special Representative of the Secretary-General on human rights defenders (E/CN.4/2001/94), and trusted that progress would be achieved in the implementation of the Declaration.

51. The challenges posed by advances in science and technology to the enjoyment of human rights were many. The need for agreed international guidelines on how to respond to those challenges could not be overemphasized. Nigeria was ready to cooperate with other States to promote education and the flow of information in the field of human rights.

52. He expressed appreciation to OHCHR for sending a needs assessment team to Nigeria, and his confidence that the report of the team would provide the basis for a memorandum of understanding on technical assistance and advisory services in such areas as capacity-building, information technology and other assistance to strengthen the promotion of human rights. His Government was committed to cooperating with all nations to consolidate its gains in democracy and human rights.

Statements in exercise of the right of reply

53. Mr. RAJA NUSHIRWAN (Malaysia), replying to statements made by NGOs regarding Malaysia, said that one speaker had referred to the detention of seven people under the Internal Security Act. Those persons should be categorized not as human rights defenders but as militant activists, for they sought to overthrow the Government. Their plans testified to their violent intentions and tactics. In 1999, that same group, acting under the aegis of a political party, had attempted to create confusion, spreading false rumours on religious and racial issues and organizing an illegal gathering which had ended in clashes with the police. The actions of the police had been in line with the Internal Security Act, a law passed by the democratically elected parliament. His Government was open to change and necessary reforms were being undertaken, all changes being effected by consensus.

54. Regarding the allegations made at the current meeting concerning other so-called human rights defenders, the speaker himself had said that those individuals had been charged under the law. The principle of the rule of law dictated that the law should be applied to all equally. In his view it did not mean that there should be different standards for persons whom some chose to call human rights defenders.

55. Mr. MALEVICH (Observer for Belarus) said that the observer for Albania should reflect on his own country's problems rather than indulge in groundless allegations against other

countries. Belarus was a civilized European country that guaranteed all human rights to its citizens, even during a difficult transitional period. Unlike certain other countries, it had also managed to avoid armed conflict. It was the practice of many nations, including some in Europe, to prohibit any funding of political parties, trade unions or certain NGOs from abroad, since that amounted to foreign interference in domestic processes.

56. Mr. BENDO (Observer for Albania) said that he had merely mentioned Belarus as an example of a country that was not a model of respect for human rights defenders. He had not dwelt on the other issues which the observer for Belarus had mentioned. Human rights problems were not merely an internal affair of the country in which they occurred and he had simply been trying to make a constructive comment. It was clear from the reports of independent human rights organizations that Albania, although a young democracy, had a far better human rights record than Belarus.

57. Mr. MALEVICH (Observer for Belarus), expressing his surprise at the allegations made by the previous speaker, said that they had been propagated by biased NGOs. Belarus, for its part, abided by international law and cooperated with United Nations human rights mechanisms. The Albanian Government should rather address the human rights situation in its own country.

58. Mr. BENDO (Observer for Albania) repeated that his remark had not been intended as a criticism of the overall situation of human rights in Belarus. The reaction of the observer for Belarus seemed disproportionate to his own comment. He again urged that observer to look at the reports; they made the difference between the records of the two countries clear.

EFFECTIVE FUNCTIONING OF HUMAN RIGHTS MECHANISMS (agenda item 18)

(a) TREATY BODIES

(b) NATIONAL INSTITUTIONS AND REGIONAL ARRANGEMENTS

(c) ADAPTATION AND STRENGTHENING OF THE UNITED NATIONS MACHINERY FOR HUMAN RIGHTS

59. Mr. DAHAK (International Coordinating Committee of National Human Rights Institutions), reporting on the outcome of the Fifth International Workshop for National Institutions for the Promotion and Protection of Human Rights, held in Rabat from 13 to 15 April 2000, said that it had ended with the adoption of a Declaration. In the Declaration the participants had inter alia, expressed the hope that national institutions would be permitted to participate fully in the forthcoming World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, emphasized the role that such institutions must play in combating discrimination and invited all States to ratify the International Convention on the Rights of All Migrant Workers and Members of Their Families. It had also called on the national institutions to continue their activities to promote and protect children's and women's rights in accordance with existing international treaties and conventions and to fight against poverty and for the enjoyment of economic, social and cultural rights by all. Finally, they had

expressed appreciation to the High Commissioner for Human Rights for her support of the activities of the national institutions and had requested that funding for those activities be increased.

60. Mr. JACOBY (Association des Ombudsman et Médiateurs de la Francophonie (AOMF) and Institut International de l'Ombudsman (ILO)) said that AOMF had been established in May 1998 and comprised 34 ombudsmen from French-speaking countries in an organization which, like its members, was independent of Governments and administrations. ILO, which was made up of 325 ombudsmen from almost 100 countries, had been established in 1976 and operated on a regional basis. Both organizations had the objectives of strengthening and developing human rights institutions, reinforcing democracy, cooperation and the exchange of information and experience, and developing the professionalism and ethical basis of their members and staff.

61. Respect for human rights was possible only in a democratic context, and the principal measure of a democracy was the extent to which human rights were exercised and respected with the intervention of independent public authorities whose role was to defend citizens' rights against abuses of power. Those independent public authorities not only had to be equipped with powers, they had also to use them.

62. If there was one single threat to democracy, it was the negative effects of the globalization of markets which, if left to its own devices, increased inequalities, neutralized the protection and development of human rights and deepened rifts in society. That was why ombudsmen had to be extremely vigilant and proactive, and had to intervene more in public debates in order to ensure that market globalization was accompanied by the globalization of human rights and fundamental freedoms. The key to the effectiveness of the ombudsman institutions was their independence vis-à-vis the public authorities. However, to be effective they needed certain essential resources and tools, and capital investment was needed mainly in connection with information, training and establishing the ethical and professional standing of the ombudsmen themselves. To that end, AOMF and ILO published reports, encouraged research, drew up lists of experts, compiled principles of good administration and made known the various criteria by which citizens' claims were judged. They held seminars and training courses, produced audiovisual material, and did what they could to demystify the institution of ombudsman, which was feared by all too many administrative departments, usually as a result of ignorance or lack of understanding.

63. In many countries, there were both ombudsmen and human rights commissions which generally speaking, cooperated with one another. In some cases, however, there was a rivalry. In many places, in fact, they worked in parallel, without talking to one another and without coordinating their activities. That was a deplorable situation because their missions were complementary and the citizen, the focus of the activities of both, became the indirect victim of their power conflicts.

64. Mr. FITZPATRICK (Asia-Pacific Forum of National Human Rights Institutions) said that, despite a long-standing commitment to ensure that the work of national institutions was mainstreamed throughout the United Nations, the staff and activities of the OHCHR national

institution team were still being funded entirely by voluntary contributions. He requested the Commission to ask the Secretary-General to ensure that OHCHR work on national institutions was strengthened and funded from the regular United Nations budget.

65. The Asia-Pacific Forum was the most comprehensive mechanism for regional cooperation on human rights issues in the region. It had been established in 1996 to assist its member institutions to perform their mandates more effectively, to assist Governments and NGOs in establishing national institutions, and to promote cooperation. Forum members considered that the Paris Principles were the minimum standards with which institutions must comply prior to being admitted as members; there were no other restrictions on membership.

66. In the past year, membership had risen to eight, and currently comprised national institutions of Australia, Fiji, India, Indonesia, Nepal, New Zealand, the Philippines and Sri Lanka. In the past year also, national commissions had been established in Malaysia, Mongolia and Thailand, and they would presumably be applying for Forum membership in due course. Work was well advanced towards establishing national institutions, or improving existing institutions, in Bangladesh, East Timor and the Republic of Korea.

67. In 1998, the Forum had established an Advisory Council of Jurists to provide national institutions with judicial guidance on contemporary human rights issues. For the first time, a permanent regional judicial body was in a position to review and assess human rights issues in the Asia-Pacific Region.

68. The member institutions of the Forum had recently resolved that it should become an independent legal entity but, during the transition process, its future was dependent on it securing core operational expenses and sustainable funding; to that end it wished to acknowledge the generous financial assistance it had received in the past from the Governments of Australia and New Zealand and from OHCHR. The Governments of Australia and Denmark had generously committed funds over the next three years. The Forum was discussing funding with other Governments, foundations, corporations and individuals.

69. Mr. KJÆRUM (European Coordinating Group of National Human Rights Institutions), speaking also on behalf of the Danish Centre for Human Rights, said that, in the past year, there had been increased regional cooperation and a growing number of new institutions in Europe, and more were being planned. National institutions had an important role to play in dealing with the problem of racism, which was moving up the human rights agenda in all parts of the world, not least in Europe, and could serve as a useful platform for a dialogue between ethnic minorities and majority populations.

70. There was also a lack of access to justice, particularly marginalized groups. People frequently did not feel they could approach the justice system and, in any event, did not expect that they would receive proper redress from it. National institutions in European countries were becoming increasingly conscious of the need to fill that gap by providing a mechanism for solving conflicts and addressing violations. There was a continuing dialogue among European national institutions regarding a variety of approaches, including reviewing proposed legislation

and analysing the human rights performance of various branches of the administration of justice. Being independent from, yet recognized by, State administrations made the national institutions particularly suited to bridging the gap between the State and civil society.

71. The role of OHCHR as the focal point for the dialogue between national institutions was important, but its capacity should be strengthened to meet the demand and consolidated financially under the regular United Nations budget. Bilateral and multilateral support to national institutions should continue, but the recipient institutions had to be in charge so as to ensure that offers of assistance met their own defined priorities.

72. The Danish Centre for Human Rights had published its second status report on the situation of human rights in Denmark, which had been submitted to parliament. Some areas of concern covered a broad spectrum of society, such as the effects of increased surveillance challenging individual privacy, while others covered freedom of religion, including the right for Muslims to adequate facilities for prayer and religious ceremonies and for Muslim women to wear scarves in the workplace. For the first time, the status report had addressed the protection of human rights in the Danish armed forces. It had also addressed the rights to personal integrity and freedom from undue force in the case of persons suffering from senile dementia.

73. Mr. GNONDOLI (National Human Rights Commission (Togo)) said that, in March 2001, his country had hosted the third African Conference of National Human Rights Institutions. The Conference had adopted the Lomé Declaration, which underlined the need to combat trafficking in and the sale and exploitation of children, to strengthen measures to combat HIV/AIDS, to bring those responsible for human rights violations before the courts, and to strengthen the protection of human rights defenders and cooperation between national institutions. Cooperation with OHCHR would be enhanced and States which did not have national institutions would be encouraged to establish them.

74. In May 1999, the Government of Togo had been accused by Amnesty International of being responsible for the extrajudicial executions of hundreds of people whose bodies were alleged to have been found on the beaches of Togo and Benin. An international commission of inquiry had investigated the allegations and his own institution had established a working group to conduct investigations. No proof of the allegations was found; furthermore, when visiting Togo, Amnesty International had not sought to cooperate with his institution.

75. During the past year, his institution had played a significant part in drawing up Togo's new programme of cooperation with UNICEF on the rights of the child. In general terms, the National Commission was seeking to establish a clear status for its members, increase its capacity for action and establish greater cooperation with civil society. It had also presented a technical cooperation project to OHCHR which took account of those priorities.

76. Mr. NFOR GWEI (National Commission on Human Rights and Freedoms (Cameroon)) said that his organization's efforts were focused on the protection and promotion of human rights, cooperation, international undertakings, consultation and the reinforcement of its capacity. It had been facing a serious challenge in terms of an increase in crime: despite its efforts, human rights violations had multiplied and innocent citizens had fallen victim to arbitrary arrests, detention and torture. Also, some law-enforcement agents had abused their

powers and authority. The National Commission had carried out investigations and the Government had adopted some very serious measures on the basis of its recommendations. The National Commission paid unheralded visits to prisons, borstals and detention cells to ensure that the human rights of those detained were being respected and had secured the release of many people who had been detained in questionable circumstances.

77. The privatization of the broadcast media in Cameroon, which had resulted in the creation of more radio stations, had enabled the National Commission to bring the human rights message to people in the remotest areas of the country. Through radio and television programmes, the National Commission had been able to address such issues as the human rights of women, children and vulnerable groups and the provision of clean water as a human right. The country's educational authorities had decided to include human rights in the school curriculum and the National Commission would be making its contribution in that regard. It was a major source of human rights material, and worked consistently with NGOs. It had developed a consultative role with the Government, participating in the fight against corruption and in drafting a national programme on good governance.

78. It was aware of the need to reinforce its capacity and continued to urge the Government to complete the reorganization of its structure that had begun some years previously. The National Commission had installed Internet equipment, acquired with financial assistance from the United Kingdom Government, which had also supported financially the printing of its three-year progress report. It was looking forward to installing a Web site in collaboration with the French National Commission. The National Commission of Cameroon would like to see OHCHR strengthened and given adequate financial and human resources.

The meeting rose at 6.15 p.m.